

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CIVIL CONFERENCE
MINUTE ORDER

BEFORE: JAMES ORENSTEIN
U.S. MAGISTRATE JUDGE

DATE: 5/7/2014
TIME: 10:00 a.m.

Jeffrey McEarchen, et al. v. Urban Outfitters, Inc.
13-CV-3569 (FB) (JO)

TYPE OF CONFERENCE: Telephone

APPEARANCES: Plaintiffs Seth R. Lesser, Charles Gershbaum, Susan H. Stern
Defendant Thomas Barton, William R. Horwitz

SCHEDULING: There are no further conferences scheduled before me at this time.

SUMMARY:

1. I terminated as premature the plaintiffs' motion for a protective order. The parties will confer as to the most efficient method for conducting the depositions of non-local opt-in plaintiffs without requiring them to travel.
2. After discussing the issue with the parties, I concluded that the evidentiary record sufficiently demonstrates the existence of a collective of employees who are similarly situated relative to the plaintiffs' statutory claims to warrant the dissemination of a notice to potential opt-in plaintiffs. The decision is of course without prejudice to the defendant's right to ask the court to revisit the issue after discovery is completed. *See, e.g., Gortat v. Capala Bros., Inc.*, 2010 WL 1423018, at *9 (E.D.N.Y. Apr. 9, 2010).
3. The parties will confer, and by May 21, 2014, will submit a proposed notice to potential opt-in plaintiffs as well as a proposed schedule for completing discovery and all other remaining pretrial matters. Upon reviewing the parties' submission, I will schedule further proceedings as appropriate.

SO ORDERED

/s/
JAMES ORENSTEIN
U.S. Magistrate Judge